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C O N F I D E N T I A L KUALA LUMPUR 000990

SIPDIS

FOR EAP/MTS AND INR

E.O. 12958: DECL: 11/07/2013

TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [KJUS](#) [MY](#)

SUBJECT: RAJA PETRA RELEASED FROM ISA DETENTION; ANWAR
TRIAL STAYS IN SESSIONS COURT FOR NOW

REF: A. KUALA LUMPUR 959 -- COURT ACQUITS NAJIB ASSOCIATE
[1](#)B. KUALA LUMPUR 846 -- UPDATE ON RAJA PETRA DETENTION
[1](#)C. KUALA LUMPUR 806 -- OPPOSITION JOURNALIST
DETAINED UNDER THE ISA

Classified By: Political Counselor Mark D. Clark for reason 1.4 (b and d).

Summary and Comment

[1](#)1. (SBU) A Malaysian judge on November 7 ordered the release of prominent blogger Raja Petra Kamaruddin from detention under the Internal Security Act (ISA) in a surprise ruling that could provide for limited judicial oversight of the government's use of ISA. The ruling is subject to appeal and does not prevent the government from rearresting Raja Petra under the ISA. Separately, the Sessions Court judge in the criminal case against opposition leader Anwar Ibrahim ruled that the case should remain in her court, a further tactical setback for the prosecution and a decision that all parties expect the government to appeal.

[1](#)2. (C) Comment: These two rulings provide additional signs that judges are beginning to exercise greater independence in highly politicized cases. The release of Raja Petra could harm Deputy Prime Minister Najib's interests, given that the outspoken Raja Petra has attempted to implicate Najib in the ongoing Altantuya murder case, and has been called to testify in the trial. If it stands, the ruling on Raja Petra is also a blow to the Home Minister's extreme discretion in using ISA against political opponents. End Summary and Comment.

Raja Petra Released

[1](#)3. (SBU) In a surprise move, the Shah Alam High Court ruled on November 7 in favor of well-known anti-government blogger Raja Petra Kamaruddin's habeas corpus motion and ordered his immediate release from detention under the Internal Security Act (ISA). Judge Syed Ahmad Helmy Syed Ahmad reportedly ruled that Raja Petra's detention was unconstitutional because none of Raja Petra's alleged infractions fell under the scope of the ISA Section 8 (1), which Home Minister Syed Hamid Albar had utilized to order Raja Petra's two-year detention. (Note: ISA allows for renewable two-year detention periods without trial. End Note.) Later on November 7, Poloff was on hand when authorities released Raja Petra at the Shah Alam court, where family, well-wishers and journalists had gathered. Raja Petra quickly departed the scene together with his wife. Authorities originally arrested Raja Petra under ISA on September 12, claiming his writings threatened public order and caused racial tensions.

¶4. (SBU) FSN Political Specialist spoke with one of Raja Petra's lawyers, Malik Imtiaz, who described the decision as "historic" and "unprecedented." Malik said that the decision is indicative of "a climate of change permeating in the judiciary", and that it is "a major blow" for the government and the Home Minister.

Anwar Wins Tactical Victory

¶5. (C) In the latest development in the government's prosecution of opposition leader Anwar Ibrahim for consensual sodomy, the Sessions Court judge after full hearings ruled against the prosecution's request to transfer the case to the appellate-level High Court. She found the related transfer order from Attorney General Abdul Gani Patail to be invalid because of earlier assurances from the Prime Minister that the AG would not be involved in the case (due to a probe into Gani's actions in Anwar's 1998 prosecution). The judge fixed November 14 as the next court date. Earlier this week, Anwar's lawyers told us they expect to lose this matter on appeal, and anticipate the trial eventually playing out in the High Court before a judge sympathetic to the government.
KEITH